

Whereas Edward W. Brooke, III, served in the United States Army during World War II, earning the rank of Captain, a Bronze Star, and a Distinguished Service Award;

Whereas Edward W. Brooke, III, was elected to the office of Attorney General of the Commonwealth of Massachusetts in 1962 and served as the first African American attorney general in the United States;

Whereas Edward W. Brooke, III, was first elected to the United States Senate in 1966 and served two terms as a Senator from the Commonwealth of Massachusetts;

Whereas Edward W. Brooke, III, was the first African American to be elected to the Senate by popular vote;

Whereas Edward W. Brooke, III, was a pioneer and champion of civil rights;

Whereas Edward W. Brooke, III, was awarded the Presidential Medal of Freedom on June 23, 2004, and the Congressional Gold Medal on July 1, 2008: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Edward W. Brooke, III, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Edward W. Brooke, III.

#### SENATE RESOLUTION 20—LIMITING CERTAIN USES OF THE FILIBUSTER IN THE SENATE TO IMPROVE THE LEGISLATIVE PROCESS

Mr. UDALL (for himself, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. HEINRICH, Mrs. SHAHEEN, Mr. FRANKEN, and Ms. KLOBUCHAR) submitted the following resolution; which was submitted and read:

S. RES. 20

*Resolved*,

##### SECTION 1. MOTIONS TO PROCEED.

Paragraph 1 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following new paragraph:

“Other than a motion made during the first 2 hours of a new legislative day as described in paragraph 2 of rule VIII, consideration of a motion to proceed to the consideration of any debatable matter, including debate on any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees. This paragraph shall not apply to motions considered nondebateable by the Senate pursuant to rule or precedent.”.

##### SEC. 2. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second undesignated paragraph and inserting the following:

“Is it the sense of the Senate that the debate shall be brought to a close? And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn, except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators voting, a quorum being present, then cloture has been invoked.

“If that question is on disposition of a bill or joint resolution, a resolution or concurrent resolution, a substitute amendment for a bill or resolution, a motion with respect to

amendments between the Houses, a conference report, or advice and consent to a nomination or treaty, and if such question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, but less than three-fifths of the Senators duly chosen and sworn (or less than two-thirds of the Senators voting, a quorum being present, in the case of a measure or motion to amend the Senate rules), then it shall be in order for the Majority Leader (or his or her designee) to initiate a period of extended debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, in which case the period of extended debate shall begin one hour later.

“During a period of extended debate, such measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business, except on action or motion by the Majority Leader (or his or her designee).

“During a period of extended debate it shall not be in order for a Senator other than the Majority Leader (or his or her designee) to raise a question as to the presence of a quorum, except immediately prior to a vote or when it has been more than forty-eight hours since a quorum was demonstrated. If upon a roll call it shall be ascertained that a quorum is not present, then the Senate shall adjourn to a time previously decided by order of the Senate or, if no such time has been established, then to a time certain determined by the Majority Leader, after consultation with the Minority Leader.

“During a period of extended debate a motion to adjourn or recess shall not be in order, unless made by the Majority Leader (or his or her designee) or if the absence of a quorum has been demonstrated. Notwithstanding paragraph 1 of rule XIX, there shall be no limit to the number of times a Senator may speak upon any question during a period of extended debate.

“If, during the course of extended debate, the Presiding Officer puts any question to a vote, the Majority Leader (or his or her designee) may postpone any such vote, which shall occur at a time determined by the Majority Leader, after consultation with the Minority Leader, but not later than the time at which a quorum is next demonstrated.

“If at any time during a period of extended debate no Senator seeks recognition, then the Presiding Officer shall inquire as to whether any Senator seeks recognition. If no Senator seeks recognition, then the Presiding Officer shall again put the question as to bringing debate to a close (and the Majority Leader or his or her designee may postpone such vote in accordance with the preceding paragraph), which shall be decided without further debate or intervening motion. If that question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, then cloture has been invoked and the period of extended debate has ended. If that question shall be decided in the negative by a majority of Senators voting, a quorum being present, then the period of extended debate has ended.

“If cloture is invoked, then the measure, motion, other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, shall remain the unfinished business to the exclusion of all other business until disposed of.”.

##### SEC. 3. POST-CLOTURE DEBATE ON NOMINATIONS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “After no more than thirty hours of consideration of the measure, motion, or other

matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on” in the fourth undesignated paragraph and inserting “After no more than 30 hours of consideration of the measure, motion, or other matter on which cloture has been invoked, except on the question of advice and consent to a nomination other than a nomination to a position as Justice of the Supreme Court in which case consideration shall be limited to 2 hours, the Senate shall proceed, without any further debate on any question, to vote on”.

##### SEC. 4. CONFERENCE MOTIONS.

Rule XXVIII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 1 through 9 as paragraphs 2 through 10, respectively;

(2) redesignating any reference to paragraphs 1 through 9 as paragraph 2 through 10, respectively; and

(3) inserting before paragraph 2, as redesignated, the following:

“1. A nondivisible motion to disagree to a House amendment or insist upon a Senate amendment, to request a committee of conference with the House or to agree to a request by the House for a committee of conference, and to authorize the Presiding Officer to appoint conferees (or to appoint conferees), is in order and consideration of such a motion, including consideration of any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours.”.

##### SEC. 5. RIGHT TO OFFER AMENDMENTS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided.”.

#### RESOLUTION OVER, UNDER THE RULE—S. RES. 18

Mr. MCCONNELL. Mr. President, I have a resolution at the desk.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 18) making majority party appointments for the 114th Congress.

Mr. MCCONNELL. I ask for its immediate consideration, and to send the resolution over, under the rule, and I object to my own request.

The PRESIDENT pro tempore. Objection is heard.

The resolution will go over, under the rule.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the adjournment of the Senate, the RECORD be kept open until 4 p.m. today for the introduction of bills and resolutions, statements, and cosponsor requests.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

**RELATIVE TO THE DEATH OF EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS**

Mr. MCCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 19, which was introduced earlier today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) relative to the death of Edward W. Brooke, III, former United States Senator for the Commonwealth of Massachusetts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 19) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**MEASURE READ THE FIRST TIME—S. 1**

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1) to approve the Keystone XL Pipeline.

Mr. MCCONNELL. I now ask for a second reading on this measure, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDENT pro tempore. Objection is heard.

The bill will be read for the second time on the next legislative day.

**ORDERS FOR WEDNESDAY, JANUARY 7, 2015**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, January 7, 2015; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10

minutes each; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDENT pro tempore. Without objection, it is so ordered.

**ORDER FOR ADJOURNMENT**

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 19 as a further mark of respect to the memory of the late Senator Edward William Brooks III, of Massachusetts, following the remarks of Senator UDALL for 15 minutes and Senator MERKLEY for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

**RESOLUTION OVER, UNDER THE RULE—S. RES. 20**

Mr. UDALL. Mr. President, I have a resolution at the desk of which Senator MERKLEY and I are cosponsors.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) limiting certain uses of the filibuster in the Senate to improve the legislative process.

Mr. UDALL. I ask for its immediate consideration and to send the resolution over, under the rule, I, therefore, object to my own request.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over, under the rule.

Mr. UDALL. Mr. President, I rise today to talk about our continuing effort to change the Senate rules as we begin the 114th Congress. This is the same process Senators MERKLEY, Harkin, and I used at the beginning of the last Congress when we introduced a similar resolution. At that time, Majority Leader REID wanted to have the debate about reforming our rules after the inauguration.

He was willing to work with us and protect our interests until we could debate our proposal. By doing so, he preserved the right of a simple majority of this body to amend the rules in accordance with article I, section 5 of the Constitution.

I hope Majority Leader MCCONNELL will extend to us this same courtesy if he chooses to address other issues before rules reform.

It has been the tradition at the beginning of many Congresses that a majority of the Senate has asserted its right to adopt or amend the rules. Just as Senators of both parties have done in the past, we do not acquiesce to any provision of Senate rules—adopted by a previous Congress—that would deny the majority that right.

The resolution I am offering today is based on proposals we introduced at the start of the 112th and 113th Congresses. At that time, many called our efforts a power grab by the majority. But we were very clear. We would support these changes even if we were in the minority, and here we are today, reintroducing the reform package as Members of the minority.

These changes do not strip minority rights. They allow the body to function as our Founders intended. The heart of our proposal is the talking filibuster. The filibuster once was a tool that was used sparingly. It allowed the minority to be heard. Today it is abused too often and far too easily.

I have said many times that the Senate has become a graveyard for good ideas. The shovel is the broken filibuster and other procedural tactics.

The system is broken. But in the last election I think the message was clear. The electorate said: Fix it, do your job, and make the government work. That is what our resolution is intended to do.

Our reforms were not adopted in the last Congress, but we made some progress. Strong support for fixing the Senate led leaders REID and MCCONNELL to address the dysfunction in the Senate and make some moderate changes.

Unfortunately, it did not take long for the leaders' gentlemen's agreement to break down. In November 2013 the abuse of the rules—and the obstruction—reached a tipping point, and so the majority acted within the precedence of the Senate. We changed the rules to prevent the minority from abusing the rules and obstructing scores of qualified nominees for judicial and executive appointments.

I believe that drastic step was unfortunate, but it was also necessary. The minority has a right to voice objections but not to abuse the rules to obstruct justice by preventing judges from being confirmed or by preventing the President from getting his team in place.

By changing the rules, the 113th Senate was able to confirm 96 judges. In fact, it confirmed more judges than any modern Congress since 1980.

The 113th Congress also confirmed 293 executive nominations in 2014—the most since 2010.

That is an incredible change. It was a bold but necessary action. But it also led to even greater polarization in the Senate. That polarization could have been prevented if the Senate had adopted our reforms at the beginning of the 113th Congress.

That is why I strongly urge the new majority leader to continue the change